

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-1611V

UNPUBLISHED

MEAGAN MULCAHY,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 8, 2022

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu) Vaccine;
Guillain-Barre Syndrome (GBS)

Robert Joel Krakow, Law Office of Robert J. Krakow, P.C. New York, NY, for Petitioner.

Kimberly Shubert Davey, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On October 15, 2019, Meagan Mulcahy filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered Guillain-Barré Syndrome (“GBS”), a defined Table injury, after receiving the influenza vaccine on October 25, 2016. Petition at 1-2, ¶¶ 7, 35, 39. In the alternative, Petitioner maintains that her GBS was caused by the flu vaccine she received or that the vaccine significantly aggravated a previous condition. *Id.* at 2, ¶¶ 36-37, 39-41. Petitioner further alleges that she received the flu vaccine within the United States, that she suffered the residual effects of her injury for more than six months, and that neither she nor any other party has filed a civil action or received compensation for her injury. Petition at 2, ¶¶ 7, 33-34. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Respondent initially opposed compensation, arguing that Petitioner had failed to satisfy the Vaccine Act's severity requirement. Rule 4(c) Report, filed Apr. 8, 2021, at 6-7, ECF No. 57; see Section 11(c)(1)(D)(i). And, on December 7, 2021, I ordered Petitioner to file briefing and whatever additional evidence she can locate that would establish that she suffered the residual effects of her alleged injuries for more than six months or to show cause why her case should not be dismissed. ECF No. 60. In response, Petitioner filed additional medical records and literature. Exhibits 41-45, filed Jan. 24 and 25, 2022, ECF Nos. 62-63.

After reviewing Petitioner's filings, specifically the medical record from a January 17, 2020 visit to her neurologist, Respondent recommends "that compensation be awarded for petitioner's Table injury of GBS following the flu vaccine." Amended Rule 4(c) Report, filed Mar. 8, 2022, at 2, ECF No. 65. Respondent has concluded that "[P]etitioner has satisfied the criteria set forth in the Vaccine Injury Table ("Table") and the Qualifications and Aids to Interpretation ("QAI") for flu vaccine-induced GBS . . . [and] has established that she suffered the sequela of her injury for more than six months after vaccination." *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master